

REMARKS/ARGUMENTS

General comments

The applicant believes that with the above-described changes to the claim language, the present invention should be sufficiently and properly distinguished from all prior art and be deemed nonobvious in lieu of all prior art. The above-described changes should also help clarify the exact combination which is being claimed. In addition, applicant believes he can successfully traverse the objections and/or rejections proffered by the Examiner based on a number of arguments presented below. The sole rejection proffered by the Examiner was based on a 35 U.S.C. 102(b) rejection, which all the arguments below are designed to traverse.

First of all, an amended (although “original”) application was previously provided, with this application including page numbers. (This application was included the last time the Office Action was submitted and should be in the case file). The applicant asks that this be accepted as traversing the objection to the absence of page numbers in the original application, with the understanding that all other desired changes are specified above.

In addition, applicant has amended the last paragraph of the Summary of the Invention section to remove any references to drawings, as there are none. Applicants believe they have successfully traversed this objection.

Applicants have eliminated all references in the application to the word “remove” when referencing the chemical composition. Furthermore, applicants have clarified that the amount of white rum to be used is approximately one cup. Furthermore, applicants have further clarified in the claims the amount of rosemary to be used (two to three teaspoons), which previously had

been mentioned in the specification but not narrowed to the extent in the claims. The claims now mention the limitation of “two to three” teaspoons of rosemary.

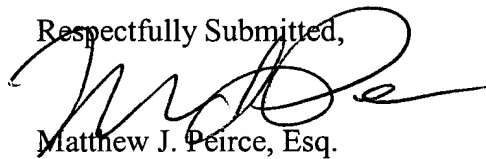
Because of prior art, applicants have narrowed the scope of their invention by using the term “consisting of” rather than using the term “comprising.” By using “consisting of,” applicants have now narrowed the scope of their invention to include only the listed ingredients listed in the patent application, and thus, can not be found to be “anticipated” by the Gleave patent. Therefore, applicants believe they have successfully traversed this rejection.

Applicants have chosen to leave the language in the “new” claims 5 and 6 concerning “generic brand name” and “trademarked brand name,” as the applicant believes that the phrases “generic brand name” and “trademarked brand name” are not vague and indefinite. A type of white rum that would of a generic brand would clearly be a subset of all “white rum” that could be potentially be used in claim 1, and along the same line of argument, a type of white rum that would be of a trademarked brand would clearly be a subset of all “white rum” that could potentially be used in claim 1. Applicants respectfully argue that the above-listed phrases are not “vague and indefinite” because a simple reading of the “new” claims 5 and 6 would allow a reader to realize that a “generic” or “trademarked” brand of white rum (for the “new” claims 5 and 6, respectively) could be used as the type of “white rum” referenced in the “new” claim 4.

CONCLUSION

For all of the above-described reasons, applicants submit that the specifications and claims are now in proper form, and that the claims define patentability over the prior art. In addition, applicants believe that their arguments in the "Remarks" section successfully traverses the objections and rejections brought forth by the Examiner in the Office Action. Therefore, the applicants respectfully submit that this application is now in condition for allowance, which action they respectfully solicit. If the Examiner feels that some of the dependent claims are allowable, the Applicants ask the Examiner to allow the Applicants to make any amendments to the allowed claims to incorporate all the limitations of the base claim and any intervening claims.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'M. J. Peirce', is written over the typed name.

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